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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 HUMBERTO JAVIEL,

12 Plaintiff,

13 vs.

14 ALBERTSONS LLC, an individual; DOES
15 I-X inclusive; and ROE CORPORATIONS
16 I-X, inclusive,

17 Defendants.

CASE NO.: 2:24-cv-01835-JAD-BNW

**STIPULATED DISCOVERY PLAN AND
SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW
REQUESTED**

18 Pursuant to Local Rules 26-1(b), the parties respectfully submit the following stipulated
19 discovery plan and jointly request that the Court: 1) approve this plan, and 2) implement the plan
20 as a scheduling order. The FRCP 26(f) conference was held on October 21, 2024, by John B.
21 Green, Esq., for Plaintiff, HUMBERTO JAVIEL, and Ryan Venci, Esq., for Defendant,
22 ALBERTSONS LLC. The parties propose the following discovery plan:

23 **1. Subjects on which discovery may be needed (Fed. R. Civ. P. 26(f)(3)(A):**

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25 Discovery will be needed on the facts and circumstances surrounding the allegations in
26 the complaint, namely the issues of Defendants' liability and damages suffered by Plaintiff.

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2. **Discovery Cut-Off Date (Fed. R. Civ. P. 26(f)(3)(A), LR 26-1(b)(1)):**

a) **Date of Defendant's answer or appearance (LR 26-1(b)(1)):**

Defendant filed its Notice of Removal on **October 1, 2024**. Defendant filed its Answer on **September 10, 2024**.

b) **Statement of the reasons why longer or different time periods should apply to the case (LR 26-1(a)):**

The parties request an extended discovery schedule for this case because of the complexity of the case, the number of medical providers, and the anticipated delays with the obtaining of verified medical specials. In addition, with the upcoming holidays, the parties anticipate there will be some delay in responding to written discovery and/or scheduling deposition which will be necessary prior to the disclosure of expert witnesses. Therefore, rather than the standard discovery period of 180 days, the parties request that the scheduling order allow for 270 days of discovery. This request for additional time is not meant for the purposes of delay or with any dilatory motive.

c) **Proposed discovery cut-off (LR 26-1(b)(1)):**

Consistent with § 2(b) above, discovery shall close on: **July 18, 2025**.

3. **Amendment of Pleadings and Adding Parties (LR 26-1(b)(2)):**

Motions to amend pleadings and add parties shall be filed no later than ninety (90) days before the close of discovery: **April 18, 2025**.

4. **Disclosures (Fed. R. Civ. P. 26(f)(3)(A); LR 26-1(b)(3)):**

a) **Initial disclosures:**

Initial disclosures shall occur on or before: **November 4, 2024**.

b) **Initial expert disclosures:**

Pursuant to Fed. R. Civ. P. 26(a)(2)(D)(i), initial expert disclosures shall be due no later than sixty (60) days before the close of discovery: **May 19, 2025**.

c) Rebuttal expert disclosures:

Pursuant to Fed. R. Civ. P. 26(a)(2)(D)(ii), rebuttal expert reports shall be due no later than thirty-one (30) days before the close of discovery: **June 18, 2025.**

5. Dispositive Motions (LR 26-1(b)(4)):

The deadline for filing dispositive motions shall be thirty (30) days after the close of discovery: **August 18, 2025.**

6. Joint Pre-Trial Order (LR 26-1(b)(5), (6)):

The joint pre-trial order shall be filed no later than thirty (30) days after the date set for filing dispositive motions: **September 16, 2025.** The joint pre-trial order shall include the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections to them.

7. Alternative Dispute Resolution (LR 26-1(b)(7)):

Counsel for the parties certify that they met and conferred about the possibility of using alternative dispute resolution including mediation, arbitration and/or an early neutral evaluation. The parties agree that an early neutral evaluation would not be effective at this time as the parties and their counsel believe that it is necessary to conduct discovery before attempting to resolve this case. Counsel further agree that a settlement conference will be beneficial after discovery is concluded. Finally, the parties and their counsel are not interested in submitting this case to arbitration.

8. Alternative Forms of Case Disposition (LR 26-1(b)(8)):

The parties certify that they have considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01) but do not consent to those forms of dispute resolution at this time.

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...

9. Electronic Evidence (LR 26-1(b)(9)):

The parties certify that they have discussed and intend to use electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic format compatible with the Court's electronic jury evidence display system. At present, the parties have not agreed upon any stipulations regarding use of electronic evidence but will address this issue again in the Pre-Trial Order.

DATED this 23rd day of October 2024.

VANNAH & VANNAH

By: /s/ John B. Greene, Esq.
 John B. Greene, Esq.
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Attorneys for Plaintiff

DATED this 23rd day of October 2024.

BRANDON SMERBER LAW FIRM

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By: /s/ Brig Jensen, Esq.
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ORDER

IT IS SO ORDERED

Dated this 24 day of October, 2024.

UNITED STATES MAGISTRATE JUDGE
 HONORABLE BRENDA WEKSLER